

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION
INTER-OFFICE MEMO**

January 27, 2009

TO: Gary Sasse, Director

DEPT: Department of Revenue

FROM: Walter Craddock, Esq. Chairman

DEPT: Division of Motor Vehicles

SUBJECT: HEARING BOARD RESULTS

Please be advised of the following matters which were heard before the Board on Thursday , January 22 , 2009. Board members: Walter Craddock, Esq., Dennis Gerstmeyer, James Botvin, Thomas Celona and Cpl. David Doucet of the Rhode Island State Police. Also be advised the following people were present during the hearing: Michael Vispo, and Richard Interrante.

Absent: Steven Raffa Esq., Division of Legal Services

**MEETING OF JANUARY 22, 2009 AT 9:00 AM
DIVISION OF MOTOR VEHICLES – 100 MAIN ST. PAWTUCKET, RI
02860**

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF THE
NOVEMBER 20, 2008 BOARD HEARING.**

The minutes have been reviewed and accepted by the Board.

**2. TWIN RIVER AUTO SALES, II (Karen Ciolli, Owner)
FIRST APPLICATION – CASE # KR-09-008
TO DEAL IN USED MOTOR VEHICLES ONLY
AT: 288 MARKET STREET, WARREN, RI 02917.**

Decision: The Board has approved the application subject to the dealership submitting a notarized financial report issued by a CPA to the Dealers License and Regulations Office and finalizing with that office within 30 days. Three dealer's plates have been approved.

**3. PROVIDENCE AUTO BODY, INC. d/b/a NORTH AMERICAN AUTO
SALES**

(John Petrarca, Pres)

ANNEX APPLICATION - CASE # KR-09-010

AT: 915 CHARLES STREET, NORTH PROVIDENCE, RI 02904

**MAIN LOCATION: 350 SILVER SPRING STREET, PROVIDENCE, RI
02904.**

Decision: The Board has approved this application subject to

finalizing within 30 days with the Dealer's License and Regulations Office. No plates awarded.

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4. COUNTY MOTORS, INC. (Robert Lallier, Pres.)

FRANCHISE ADDITION – CASE # KR-09-013

GLOBAL VEHICLES USA.

Decision: The Board has approved the application. No additional plates have been approved.

5. ELMWOOD AUTO SALES (Michael Ayoub, Member)

REQUEST FOR 5 ADDITIONAL USED PLATES – CASE # KR-09-009

LICENSED SINCE 06-21-07; HAS 3 PLATES.

Decision: The Board has approved five additional plates subject to maintaining the current number of employees and current number of sales.

6. JOHNNY M. SOTO V. HERB CHAMBERS CADILLAC, INC. (Herbert Chambers, Pres./ Steven White, Esq.)

COMPLAINT / SHOW CAUSE HEARING – CASE # DS-08-229

1ST RESCHEDULED HEARING

The complaint has been settled prior to this hearing.

7. ANDY BOURKE / Anthony Dicense, Esq. V. COURTESY HYUNDAI INC.

(John M. Martins, Pres.)

COMPLAINT / SHOW CAUSE HEARING – CASE # DS-08-225

1ST RESCHEDULED HEARING

The complaint has been settled prior to this hearing.

8. KRISTEN JONES V. SCOTTIE'S AUTO SALES (Dorothy McDougall, Pres. / John Petrone, Esq.)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-08-259

2ND. RESCHEDULED HEARING

Cpl. David Doucet, Rhode Island State Police has recused himself from this hearing.

Decision: The Board has determined that the dealership must buy back the vehicle from the Consumer for \$4,128.85 which represents the sale price of \$5,575.00 minus the mileage allowance of \$ 1446.50. The Board is not able to award damages made to the vehicle because the dealership was in possession of the vehicle for 95 days after the last inspection.

The Board has ordered that the Division of Taxation should be

notified of a possible violation of the tax laws in regards to this sale.

The Board has ordered that the Dealer's License and Regulations Office to notify the lien holder of the Boards decision to allow them the opportunity to recover losses they may have incurred.

HEARING RESULTS

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The Board has determined that Scottie's Auto Sales is in violation of the following Rhode Island General Laws and Rhode Island Rules and Regulations and is required to pay the amounts below which total \$500.00 to the Dealer's License and Regulations Office within 30 days of receiving the formal decision.

Some of the law designations below been corrected to reflect the applicable Rhode Island General Laws. *

Fine: \$100.00: RIGL § 31-5-11(3): For failure to comply with the provisions of this section or any rule or regulation promulgated by the department under §§ 31-5-1 – 31-5-20 *

Fine: \$100.00: Violation of RIGL § 31-5-11(10): Indulging in unconscionable practices relating to business as a motor vehicle dealer.*

Fine: \$100.00: Violation of RIGL § 31-5-11(11): Violation of laws relating to the sale, distribution or financing of motor vehicles.*

Fine: \$100.00: Violation of RI Rules and Regulations VI(S): Failure to affix a current inspection sticker prior to sale of vehicle.

Fine: \$100.00: Violation of RI Rules and Regulations VII(E): Failure to have the required information printed on the bills of sales.*

**9. DANNY'S AUCTION BARN (David G. Mihailides, Partner)
ADVERTISING ON THE INTERNET TO THE GENERAL PUBLIC.
FOR DISCUSSION ONLY**

This discussion has been tabled until the next scheduled hearing to enable an opinion to be formulated by Steven Raffa, Esq. Division of Legal Services.

**10. FOR DISCUSSION ONLY
LETTER FROM BENJAMIN VITI, OF COMMERCIAL SALES &
MARKETING, INC TO AUCTION VEHICLES TO THE GENERAL PUBLIC**

This discussion has been tabled until the next scheduled hearing to enable an opinion to be formulated by Steven Raffa, Esq. Division of Legal Services.

11. FOR DISCUSSION ONLY:

**OPINION ON FINES REGARDING KING RICHARD'S SUZUKI /
SEEKONK ISUZU FROM ATTORNEY STEVE RAFFA, LEGAL
COUNSEL.**

Decision: The Board has determined that King Richard's Suzuki/Seekonk Isuzu is in violation of the following Rhode Island General Laws and Rhode Island Rules and Regulations and is required to pay the amounts below which total \$15,000.00 to the Dealer's License and Regulations Office within 30 days of receiving the formal decision.

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Fine: \$3000.00: RIGL § 31-5-11(3): For failure to comply with the provisions of this section or any rule or regulation promulgated by the department under §§ 31-5-1 – 31-5-20

Fine: \$3000.00: Violation of RIGL § 31-5-11(10): Indulging in unconscionable practices relating to business as a motor vehicle dealer.

Fine: \$3000.00: Violation of RIGL § 31-5-11(11): Violation of laws relating to the sale, distribution or financing of motor vehicles.

Fine: \$3000.00: Violation of RI Rules and Regulations VI(M): Title

preparations fees.

**Fine: \$3000.00: Violation of RI Rules and Regulations VI(N):
Document preparation fees.**

**12. FOR DISCUSSION ONLY ANTHONY SIRAGO V. R, TETO MOTOR
SALES (Hever Juarez, Pres.) CASE # DS-09-006 OWNERSHIP
DISPUTE**

**The Board has determined that it does not have jurisdiction in this
matter and has referred the complainants to Superior Court.**

Walter Craddock, Esq. Chairman

Cc: John DiTomasso, Assistant Administrator, DMV

Michael Vispo, Manager DMV

Steven Raffa, Esq., Division of Legal Services, DOA

Richard Interrante, DMV

File